

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

In the Matter of:)	
)	Chapter 13
MARY DARLENE WARNER,)	
)	
Debtor)	Case No. 95-50798
)	
MARY DARLENE WARNER,)	
)	
Plaintiff)	
)	
vs.)	
)	
)	
STERLING AUTO SALES and)	
KEITH BOONE, individually,)	
)	Adversary Proceeding
Defendants)	No. 95-5029A

ORDER

A Motion For Additional Sanctions For Defendants' Failure And Refusal To Comply With This Court's Order Dated October 28, 1996 was heard and considered in Waycross, Georgia on February 27, 1997. Debtor was represented by counsel at the hearing. No appearance was made by Defendants either individually or through counsel.

Evidence at the hearing showed that Defendants had failed to fully comply with this Court's order of October 28, 1996. Payments made by Defendants were in amounts which were less than the order required. Further, Defendants have failed to provide the Certificate of Title to Debtor/Plaintiff as

required by the order. Lastly, the payments that were made by Defendants were not timely.

The failure of Defendants to appear at the hearing is a matter of concern to the Court. While the records show that Defendants were duly notified of the day and time of the hearing, there is also evidence that Defendants may have been misinformed by Plaintiff's counsel as to the correct date of the hearing. In order to be sure that Defendants are given adequate opportunity to present their position in opposition to Plaintiff/Debtor's contempt action, the hearing of February 27, 1997 will be continued to **9:00 a.m.** on **March 20, 1997**, United States Courtroom, Federal Building, 3rd Floor, Waycross, Georgia.

Defendant Sterling Auto Sales and Keith Boone, individually, are required to attend that hearing and show cause, if any they can, why the Plaintiff/Debtor's prayers for imposition of additional sanctions should not be granted.

Defendants are hereby advised that the Court is entertaining the possibility of vacating the order of October 28, 1996, which order provided Defendants with substantial relief from the Court's previous order of May 3, 1996, and reviving the provisions of the order of May 3, 1996. If it appears that Defendants' failure to comply with the order of October 28, 1996 is willful, sanctions in the form suggested here and/or other additional and appropriate sanctions will be

imposed. Failure of Defendants to attend the next hearing will most assuredly result in the imposition of additional sanctions in some form.

SO ORDERED this 3rd day of March, 1997.

James D. Walker, Jr.
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that the attached and foregoing have been served on the following:

Keith Boone
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Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

This 3rd day of March, 1997.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court